

CLAIMS RESOLUTION TRIBUNAL

In re Holocaust Victim Assets Litigation
Case No. CV96-4849

Certified Award

to Claimant Shirley Mae Weil

in re Accounts of Alfred Weber

Claim Numbers: 215874/HM; 215889/HM

Award Amount: 94,800.00 Swiss Francs

This Certified Award is based upon the claim of Shirley Mae Weil (the “Claimant”) to the accounts of Alfred Weber (the “Account Owner”) at the Solothurn branch of the [REDACTED] and the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted two Claim Forms and an Initial Questionnaire identifying the Account Owner as her father-in-law, Alfred Weil (Weber), who was born on 23 April 1886 in Landau, Germany, and was married to Emmy Rudolfine Weil, née Klein, on 15 June 1913 in Mannheim, Germany. The Claimant stated that Alfred Weil had two sons: Heinz and Rolf (the Claimant’s husband), both born in Mannheim in 1914 and 1919, respectively. The Claimant further stated that her father-in-law, who was Jewish, owned a garage, a grocery store, and a house in Mannheim, where he lived until 1941. The Claimant stated that her husband was sent with a *Kindertransport* (children’s transport) to the United States in 1935 and that his brother volunteered for the Spanish Civil War, during which he was killed in action. According to the Claimant, her parents-in-law fled to France and, during the occupation of France, the Claimant’s father-in-law hid in Paladru, France under the assumed name of Weber. The Claimant stated that her late husband’s parents were arrested and deported to Auschwitz on 30 June 1944, where they perished.

The Claimant stated that she and her husband had two sons: Larry, who was killed in action in the Vietnam War, and Ronald, who is still alive. The Claimant further stated that her husband died on 28 May 1998. The Claimant indicated that she was born on 30 July 1923 in Connecticut.

In support of her claim, the Claimant submitted a letter to the Swiss Bankers Association dated 9 February 1976, in which the Claimant’s late husband inquired about an account held by his father at a Swiss bank. In that letter, the Claimant’s husband stated that his father held the

account in the early 1930s or 1940s, and that he had received a document in the late 1930s with an account number on it, but he had lost the document. In the letter, the Claimant's husband explained that his father lived in Paladru under the assumed name Weber or Webber from approximately 1942 until the spring of 1944. The Claimant also submitted the letter in response from the Swiss Bankers Association, in which the Association wrote that it was "not in a position to locate these assets by a general inquiry among its member banks" and advised him to contact the particular bank where the account was held. The Association stated that he should supply documents proving his hereditary connection to the account owner, and the account owner's death certificate.

In support of her claim, the Claimant also submitted her father-in-law's passport containing a Swiss visa and entrance stamps dating from the 1920s, her husband's death certificate, her parents-in-law's marriage certificate, their German identification documents, release papers signed by them for their son's *Kindertransport*, a letter from her father-in-law's business associate dated 8 December 1946, a letter from the United States Army Central Tracing Bureau dated 18 June 1946 regarding a search made for Alfred Weber, and several other documents.

Information Available in the Bank Records

The bank records consist of an extract from an account ledger. According to this record, the Account Owner was Alfred Weber, who used the address Marseille, France. The bank record indicates that the Account Owner held two accounts of unknown type, numbered 33865 and 11272. The amount in the account numbered 11272 on 16 July 1942 was 7.35 Swiss Francs. The account numbered 11272 was transferred to a suspense account at an unknown date and remains open.

The amount in the account numbered 33865 is unknown and this account was closed unknown by whom on an unknown date. The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945.

The CRT's Analysis

Joinder of Claims

According to Article 43(1) of the Rules Governing the Claims Resolution Process (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimant in one proceeding.

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her father-in-law's assumed name and country of residence match the published name and country of residence of the Account Owner. Moreover, Paladru, where the Claimant states the Account Owner lived for a certain period, is in the general vicinity of Marseilles, the published residence listed in the bank records. In support of her claim, the Claimant submitted documents, including letters to and from the Swiss Bankers Association, her father-in-law's passport, her husband's death certificate, her parents-in-law's marriage certificate, their German identification documents, and several other documents, some of which identify her father-in-law's alternative last name. The CRT notes that the bank records do not contain any specific information about the Account Owner other than his name and place of residence. Thus, the additional information provided by the Claimant cannot be compared with the bank information. The CRT concludes that it is plausible that her father-in-law is the Account Owner, and also notes that no other claims have been made to these accounts.

The CRT notes that the Claimant sent a letter to the Swiss Bankers Association in 1976 and filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Alfred Weil/Weber, prior to the publication in February 2001 of the list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of Victims of Nazi Persecution (the "ICEP list"). This indicates that the Claimant has based her claim not simply on the fact that a person identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP list. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP list. This, together with the statement from the Claimant that she did not see the ICEP List, supports the credibility of the information provided by the Claimant.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish, and that he perished in the Holocaust.

Moreover, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Alfred Weil, and indicates that his date of birth was 23 April 1886 and his place of origin was Mannheim, Germany, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents demonstrating that her husband was the Account Owner's son.

The Issue of Who Received the Proceeds

With regard to the account numbered 11272, the bank records indicate the account remains open and dormant.

With regard to the account numbered 33865, given the application of Presumptions (e), (h), and (j) contained in Appendix A,¹ the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owners or his heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant. First, the claim is admissible in accordance with the criteria contained in Article 23 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was her father-in-law, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed accounts.

Amount of the Award

The bank records indicate that the value of the account numbered 11272 as of 16 July 1942 was 7.35 Swiss Francs. The amount in account numbered 33865 is unknown. Pursuant to Article 35 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the present value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of an unknown type of account was 3,950.00 Swiss Francs. Moreover, Article 35 of the Rules provides that if the amount in an unknown type of account was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. Accordingly, the CRT determines that the value of the two accounts of unknown type was 7,900.00 Swiss Francs. The present value of this amount is calculated by multiplying it by a factor of 12, in accordance with Article 37 (l) of the Rules, to produce a total award amount of 94,800.00 Swiss Francs. In this case, the Claimant is age 75 or older and is therefore entitled to receive 100% of the total award amount.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 of the Rules, the CRT will carry out further research on her claim to determine whether there are additional Swiss bank accounts to which he might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

¹ An expanded version of Appendix A appears on the CRT II website -- www.crt-ii.org.

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal

November 26, 2002